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DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

November 8, 2021

**By ECF**

The Honorable Alvin K. Hellerstein  
United States District Judge  
United States Courthouse  
500 Pearl St.  
New York, New York 10007

Motion denied. Plaintiff shall file his Opposition to Defendant Cuomo's motion when scheduled, November 12, 2021. Defendant De Blasio shall Answer or move by November 17, 2021. The two cases are, or may be, different.

SO ORDERED.  
/s/ Alvin K. Hellerstein  
November 8, 2021

RE: *Everest Foods, Inc. et al., v. Cuomo et al.*, No. 21-CV-06316 (AKH)

Dear Judge Hellerstein:

I write on behalf of all parties to request a consolidated briefing schedule for the opposition and reply papers on both defendants' motions to dismiss. Those motions are currently subject to the following deadlines:

- Former Governor Cuomo filed his motion to dismiss on October 28, 2021. ECF 39. Under this district's local rules, Plaintiffs' opposition papers are due on November 12, 2021, and Governor Cuomo's reply is due November 19, 2021.
- Mayor de Blasio intends to file his motion to dismiss on November 17, 2021. *See* ECF 38. Under the local rules, Plaintiffs' opposition papers are due on December 1, 2021, and Governor Cuomo's reply is due December 8, 2021.

The parties respectfully request that Plaintiffs' deadlines for filing both of the above listed opposition briefs be extended to **December 16, 2021**. The parties further request that Governor Cuomo and Mayor de Blasio both be given until **January 20, 2022** to file reply papers in further support of their respective motions to dismiss.

The requested extension is necessary to allow the parties to fully address the various constitutional issues raised in Plaintiffs' complaint, and it also avoids interference with the upcoming holidays. Additionally, the requested extension would allow further briefing to proceed on a single, consolidated schedule—and is thus likely to conserve the Court's resources.

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This is the parties' first request to extend the deadlines for these opposition and reply papers, and all parties consent to this request.

Thank you for your time and attention to this matter.

Respectfully submitted,

/s/ Matthew J. Lawson

Matthew J. Lawson  
Assistant Attorney General

cc: All counsel (via ECF)